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Attorney for Defendant
BERNADETTE ESCUE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Defendant Bernadette Escue, through counsel, and Plaintiff United States of America, through counsel, hereby stipulate as follows:

1. Sentencing currently is set for February 20, 2008. By this stipulation and proposed order, the parties respectfully request that the sentencing hearing be continued to April 16, 2008.

2. Ms. Escue has pled guilty to a violation of 18 U.S.C. § 1343 (mail fraud), having entered her plea on the first appearance before this Court.

3. On January 10, 2008, the Government produced FBI 302 reports to the defense. Upon the defense's review of the reports, the defense has determined that it needs to investigate certain matters contained in the reports which may be relevant to sentencing. This continuance is requested to permit the defense to do so. The length of the continuance (i.e., from February 20 to April 16) is necessary because the reports concern events and statements that are said to have occurred in 2004, and investigation of these matters may be more complicated and lengthy than usual.

1 4. Counsel for Ms. Escue has spoken with Lori Timmons, the U.S. Probation Officer who is
2 drafting the presentence report, and Ms. Timmons has indicated that she has no objection to this
3 requested continuance and the new proposed sentencing date.

4 5. In light of the foregoing, the parties respectfully request that the sentencing hearing be
5 continued to April 16, 2008 at 9:00 a.m.

6 **IT IS SO STIPULATED.**

7 Dated: January 17, 2008

Joseph P. Russoniello
United States Attorney

9 /S/

10 Joseph A. Fazioli
11 Assistant United States Attorney

12 Dated: January 17, 2008

13 /S/

14 Mark R. Vermeulen
15 Attorney for Defendant
16 BERNADETTE ESCUE

17 **ORDER**

18 Based on the foregoing stipulation, and good cause appearing,

19 **IT IS HEREBY ORDERED** that the sentencing hearing shall be continued to April 16, 2008 at
20 9:00 a.m.

21 **IT IS SO ORDERED.**

22 Dated: 1/22/08

23 
24 Jeremy Fogel
25 United States District Judge